

1949.

File No. O.H. Boards/41
Legal Dept.

A BRANCH

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Bombay Housing Boards
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DDP.
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20.

Declaration of
Expenditure.

Bombay Housing
Board Act, 1948.

Sec. 54(2).

Sub-section (2) of section 54 of the Bombay Housing Board Act, 1948, enacts that

"All expenditure which the Provincial Government shall not later than six months from the date of the establishment of the Board, declare to have been incurred on capital account in connection with the purposes of this Act shall be deemed to be a loan advanced to the Board on the date of such declaration."

"Expenditure" means "the amount expended" (Concise Oxford Dictionary, p.398) and as the declared expenditure is to be considered as a loan advanced to the Board, it appears that the declaration should ordinarily state the exact amount expended by Government. However, difficulty is being felt in making a declaration stating the exact expenditure incurred, since that amount is not yet ascertained and such ascertainment may take considerable time. The question therefore arises whether the requirements of the section would be satisfied if the declaration, instead of specifying the amount, specifies categories of items on which the amount is expended leaving the ascertainment of exact expenditure to a future date. The requirements of sub-section (2) of section 54 would be satisfied if the expenditure is indicated with certainty though not in exact amount, upon the principle *"Certum est quod certum reddi potest"* (that is sufficiently certain which can be made certain). (Broon's Legal Maxims, p. 424-5).

34/.....19/2.

Remembrance of Legal Affairs.

**Bombay Housing
Board Act, 1948.**

Section 60(2)

**Establishment
and
Residential
Concurrent
Audit.**

The view taken by the Secretary, Bombay Housing Board in paragraph 6 of his letter at page 1 ante is correct. What is required by section 60(2) of the Bombay Housing Board Act, 1948 is the annual audit. If the residential concurrent audit involving financial liability is to be provided for, the Act will have to be amended. If however Government proposes to bear the expenditure for such audit, there would be no legal objection to issuing an executive order requiring such audit to be made.

Sd/.....26/4

Remembrancer of Legal Affairs.

U.R. to Labour Department No. 13631, dated the
28th November 1949.

DRL.

6/6.

5c.